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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,237	09/03/2003	Inka Henze	SCT-PT018	4874

3624 7590 07/26/2005

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UNITED PLAZA, SUITE 1600
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EXAMINER

PAK, SUNG H

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/654,237	HENZE ET AL	
	Examiner	Art Unit	
	Sung H. Pak	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 20-36 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Election/Restrictions***

Applicant's election with traverse of Group I claims, 1-19 in the reply filed on 5/24/2005 is acknowledged. The traversal is on the ground(s) that "the leached fiber bundle can not be made in the manner asserted by the Examiner". This is not found persuasive for the following reasons.

First, examiner respectfully submits that even though the preambles of the product claims (i.e. Group II, claims 20-36) recite "leached fiber", the preambles themselves do not *limit a claim*, in this instance because they do not contain any structure or step that is "necessary to give life, meaning and vitality to a claim." Pitney Bowes, 51 USPQ2d at 1165-66; Kropa v. Robie, 88 USPQ 478, 480-481 (CCPA 1951). That is, all the *positively recited* limitations of the product claims do not rely its meaning and scope on their preambles, and therefore the claims' patentability stands on its own merit. Even if "leached fiber" can not be made without "first forming a preform and heating and drawing out the bundle preform", the positive limitations of the product claims do not necessarily rely on this feature for patentability. Therefore, the claim restriction based on "product/ process of making the product" rationale is proper.

Allowable Subject Matter

Claims 1-19 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Leached fiber bundle and a process for producing a leached fiber bundle are well known in the art. US 3,669,772; US 3,674,452; and US 3,624,816 all disclose process for producing a

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leached fiber bundle, comprising steps of arranging number of fiber preforms into an ordered fiber bundle preform, heating and drawing out the fiber preform, sheathing at least one end of the drawn out fiber with etch-resistant protective layer and making the unsheathed portion flexible by leaching the resulting fiber. Also, Goldman (US 6,243,520 B1) teaches the use of spacers that create interstices between the fiber performs (Fig. 2C).

Strack (US 3,653,739) discloses a closest prior art leached fiber bundle, wherein optical fiber preforms are arranged with spacers such that interstices with air may be created during drawing (Fig. 2). The air holes at the ends of the drawn fiber is filled with epoxy and protected from acid-bath to prevent leaching (column 3 lines 1-40).

However, none of the prior art fairly teaches or suggests, such methods of producing a leached fiber bundle, wherein the fiber preform containing spacers and interstices are drawn and at least one adhesive is introduced into the interstices in the drawn fiber *with the aid of pressure reduction*, and subsequently the ends of sheathed with etch-resistant protective layer before it is flexibilized by removing spacer material, as claimed in the instant application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (571) 272-2353. The examiner can normally be reached on Monday- Friday, 9AM-5PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sung H. Pak
Patent Examiner
Art Unit 2874

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